

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 23, 1966

Appeal No. 8616 Isadore Forman et al, appellants

The Zoning Administrator District of Columbia, appellee

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on March 4, 1966.

EFFECTIVE DATE OF ORDER: April 22, 1966

ORDERED:

That the appeal for a variance from the height requirements of the C-M-1 District to permit erection of a warehouse not to exceed 49 feet in height at Sheriff Road and 43rd Place, N.E., Parcel 183/55, Square 5096, be denied.

From the records and the evidence adduced at the public hearing, the Board finds the following facts:

(1) Appellant's lot is bounded by Sheriff Road, 43rd Place, and Deane Avenue, N.E. The lot has 148.44 feet on Sheriff Road, 503.47 feet on 43rd Place, 123.66 feet on Deane Avenue, and 422.52 feet on the other side. The lot contains approximately 61, 954 square feet of land.

(2) Appellant is engaged in the wholesale distribution of alcoholic beverages in the District of Columbia.

(3) Appellant states that the Alcoholic Beverage Control Board Regulations require that they be located in the District of Columbia at a site approved by the Board. Such a site must provide for both rail and truck loading facilities.

(4) Section 6201.1 of the Zoning Regulations restricts the height of buildings in the C-M-1 District to 40 feet in height and 3 stories in height.

(5) Appellants proposes to erect a warehouse 49 feet in height.

(6) The east side of 43rd Place, N.E. is a R-2 District and extends south to Deane Avenue.

(7) There was opposition to the granting of this appeal registered at the public hearing. Twelve (12) persons appeared at the hearing in opposition to the appeal. The Deanwood Civic Association, Inc., opposed the granting of this appeal. There are petitions containing 254 signatures in the record expressing opposition to this appeal.

OPINION:

We are of the opinion that appellants have failed to prove a hardship within the variance provisions of the Zoning Regulations. A denial of the

appellant's request to exceed the height limitations of the C-M-1 District will not result in exceptional practical difficulties.

We are further of the opinion that the appellant's request for a variance cannot be granted without substantially impairing the intent purpose and integrity of the zone plan. The granting of such relief will likewise constitute a detriment to the public good.